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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,220	06/29/2001	Edward R. Howorka	E3879.0026	6080

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EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/896,220

Applicant(s)

HOWORKA ET AL.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of the Request for Continued Examination (“RCE”) filed December 04, 2006 is acknowledged. Claims 1,3, 5, 8, 9, 13, 16, 17, 20, 31 and 33 are amended. Claims 1-33 are pending and are presented to be examined upon their merits.

### ***Response to Arguments***

2. Applicant's arguments filed December 04, 2006 have been fully considered but they are not persuasive. The applicant maintains that the removal of “trading floors,” claim language from the credit limit storage means limitation, eliminates the alternative language relating to credit limits available for trades from trading floors *or* group of trading floors. The applicant further asserts that Togher teaches a “global to local” credit scenario and that there is no suggestion of a “global to global,” credit scenario in which the credit bearing counterparty may be a group of trading floors, as now in claim 1 et al. The Examiner disagrees with the applicant's assessment of Togher as it relates to the claim language as currently presented. It is respectfully submitted that the claim language, “...trading floors for storing credit limits of said plurality of related trading floors and *possible* counterparty groups of related trading floors...” is indefinite because the word “possible” does not provide a positive recitation to the counterparty groups of related trading floors. It is being interpreted that the *common* credit facility having a single credit limit for each trading floor or groups of trading floors (see Togher, column 12, lines 31-51) teaches a global to global credit scenario because the floor administrator may have a

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group of traders that can not trade with each other and therefore must trade with other individuals and/or groups. Togher also suggests that the invention can combine credit limits into from single trading floors into groups (see column 12, lines 31-51). Thus the 35 U.S.C. § 102(b) rejection of claim 1-33 is maintained. A copy of the rejection with applicant's minor amendments are provided below for applicant's convenience.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Togher et al (US 5,375,055).

Togher discloses, as in claims 1 and 16, An anonymous trading system for trading instruments between traders (see Togher Abstract); comprising:

a communications network for transmitting electronic messages (see Togher, fig. 5, col. 12, ll. 52+);

a plurality of trading floors each comprising one or more order input devices (work stations –ws) connected to the communications network each for generating electronic order

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messages including bid and/or offer orders and for communicating to a trader order information received from others of said plurality of order input devices over the network

(see Togher, col. 5, ll. 1+ );

at least one matching engine connected to the network for matching bid and offer orders input into the system from the trader terminals and for assisting in executing deals where orders are matched (see Togher, col. 5, ll. 1+ );

market distribution means (market distributor—MD) connected to the network for distributing order messages to the trader terminals, the market distribution means being responsive to the order messages and the matching engine (see Togher, col. 5, ll. 1+); and

credit limit storage means for storing credit limits available for trades between a trading floor or group of trading floors and *possible* counterparty groups of trading floors and comprising at least one credit agent node for storing credit limits for a group of logically separate trading floors (see Togher, col. 5, ll. 1+ ),

claim 2, wherein the order input devices for a given trading as floor are connected to a trading agent node connected to the communications network, wherein the credit agent node stores credit limits for trading floors connected to a plurality of trading agents (see Togher, fig. 1),

claim 3, wherein the trading agent nodes having trading floors connected whose credit limits are stored at the credit agent node each comprise means for sending credit enquiry messages to the credit agent node on receipt of a message that a bid or other input from one of said order input devices *of said plurality of trading floors* has been matched, and wherein the credit agent node comprises means for receiving an enquiry messages from whose connected

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trading floors *for which* it stores credit limits, means for checking the proposed deal amount against stored credit limits on receipt of a credit enquiry message and means for sending a message indicating whether or not the deal can proceed (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in Claim 4, An anonymous trading system according to claim 3, wherein the credit enquiry messages to the credit agent 20 node via at least one of the plurality of matching engines (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in Claim 5, wherein the credit agent nodes sends the deal proceed indicator message to one of said matching engines and said plurality of matching engines route said indicator messages to the trading agent node to which the counterparty trading floor is connected (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 6, wherein the means for sending a deal proceed so indicator message includes means for indicating that a deal may proceed only for a portion of the proposed amount (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 7, means for interfacing the credit limit s storage means of a given party to an external credit limit storage means of that party,

as in claim 8, a plurality of said credit agent nodes, each storing credit limits for *trades* by a group of trading floors *with possible counterparty groups of trading floors* (see Togher, col. 2, ll. 14 to col. 4, ll. 48)

as in claim 9, wherein the credit limit storage means for each group of related trading floors stores credit limits fro trades between the group of related trading floors, groups of related counterparty trading floors, (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

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as in claim 10, comprising a plurality of interconnected broker nodes, each broker node comprising one of said plurality of matching engines and said market distribution means (see Togher, Abstract, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 11, wherein the bid and offer orders are input into the system as price quotation messages and said market distribution means distributes price messages in response to said price quotation messages and the matching engine (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 12, An automated trading system according to claim 1, wherein the order input devices comprise trader terminals (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 13, An automated trading system for anonymous trading of instruments, comprising a computer communications network having a plurality of interconnected broking nodes, and a plurality of order input devices grouped s in trading floors of one or more terminals, each trading floor being connected to a broker node through a trading agent node and each broker node comprising a matching engine for matching bid and offer orders input into the system from order input devices, means for executing deals where orders are matched, and market distribution means for distributing order price messages to the order input devices in response to input bid and offer orders and the matching engine, the system further comprising at least one credit agent node for storing credit limits for trading floors connected to a plurality of trading agent nodes for trades with *possible* counterparty groups of trading floors (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

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as in claim 14, wherein the bid and offer orders are input into the system as price quotation messages and said market distribution means distributes price messages in response to said price quotation messages and the matching engine (see Togher, col. 2, ll. 14 to col. 4, ll. 48)

as in claim 15, wherein the order input devices comprise trader terminals (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 16, (see references for claim 1),

as in claim 17, a plurality of said credit limit storage means, each storing credit limit for trading floors connected to a plurality of trading agent nodes for a group of trades with *possible* counterparty groups of trading floors (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 18, An automated trading system according to claim 16, wherein the bid and offer orders are input into the system as price quotation messages and said market distribution means distributes price messages in response to said price quotation messages and the matching engine (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 19, wherein the order input devices comprise trader so terminals (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

As in claim 20, An anonymous trading system for trading instruments between traders a communications network for transmitting electronic messages

a plurality of order input devices connected to the communications network each for generating electronic order messages including bid and/or offer orders and for communicating to a trader order information received from others of said plurality of to order input devices over the network;



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at least one matching engine connected to the network for matching bid and offer orders input into the system from the trader terminals and for assisting in executing deals where orders are matched;

market distribution means connected to the network for distributing order messages to the trader terminals, the market distribution means being responsive to the order messages and the matching engine; and

a credit broker associated with the matching engine and storing credit limits for a plurality of institutions, each stored credit limit representing the credit available for trades by the trading floors of the institutions, or a group of trading floors of the institution which counterparty institution or selected groups of trading floors of counterparty institutions (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 21, An anonymous trading system according to claim 20, comprising a plurality of matching engines each having an associated credit broker (see Togher, figs. 1, 5, col. 2, ll. 14 to col. 4, ll. 48; and col. 5, ll. 4+),

as in claim 22, wherein the matching engines and associated credit brokers are connected by a local area network (LAN) (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 23, wherein the matching engine, the market distribution means and the credit broker are provided within a broking node (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 24, comprising a plurality of broking nodes (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 25, wherein the credit broker receives credit reservation messages from the matching engine and comprises means for checking the identity of the parties to a proposed deal

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identified in the credit is reservation message and for checking whether the parties to the proposed deal have sufficient credit with one another to complete the deal (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 26, wherein the credit checking means includes means for converting a deal amount to a credit utilization in the currency in which the credit limit is expressed (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 27, wherein the credit broker comprises means for enquiring of one or more further credit brokers if they have credit allocated to a given party where the credit broker has determined that a party has sufficient total credit for a proposed deal but that an insufficient amount of that credit has been allocated to the credit broker, and means for asking the remote credit broker or brokers to reserve the credit if it is present (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 28, wherein the credit broker comprises means for transferring at least a portion of credit allocated to a given party to one or more of the further credit brokers (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 29, wherein the credit broker includes means for indicating to the matching engine that sufficient credit to complete the deal has been reserved (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 30, the credit broker comprises means for reducing the amount of a deal if there is insufficient credit with one or both of the parties for the whole deal amount but the credit available exceeds a predetermined minimum (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

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as in claim 31, An automated trading system for anonymous trading of instruments, comprising a computer communications network having a plurality of interconnected broking nodes, and a plurality of order input devices grouped in trading floors of one or more devices, each trading floor being connected to a broker node and each broker node comprising a matching engine for matching bid and 2s offer orders input into the system from order input devices, means for executing deals where orders are matched, and market distribution means for distributing order price messages to the order input devices in response to input bid and offer orders and the matching engine, the system further comprising a credit broker associated with the at least one matching engine for storing credit limits assigned by each of a plurality of institutions to a plurality of possible counterparty institutions (see Togher, col. 2, ll. 14 to col. 4, ll. 48),

as in claim 32, a plurality of matching engines each having an associated credit broker,

as in claim 33, An automated trading system for anonymous trading of instruments, comprising a computer communications network having a plurality of interconnected broking nodes, and a plurality of order input devices grouped in trading floors of one or more input devices, each trading floor being connected to a broker node and each broker node comprising a matching engine for matching bid and offer orders input into the system from order input devices, means for executing deals where orders are matched, and market distribution means for distributing order price messages to the order input devices in response to input bid and offer orders and the matching engine, the system further comprising a credit broker associated with the at least one matching

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engine for storing credit limits assigned by each of a plurality of institutions to a plurality of possible counterparty institutions or particular trading floors or groups of *possible* counterparty institutions (see Togher, col. 2, ll. 14 to col. 4, ll. 48).

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

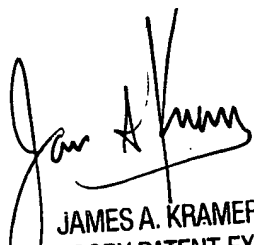
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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